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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/554,629	10/11/2000	Shinji Nakamura	00336/LH	6434
7590 11/24/2003				
Frishauf Holtz Goodman Langer & Chick 767 Third Avenue 25th Floor New York, NY 10017-2023				
EXAMINER KACKAR, RAM N				
ART UNIT 1763				
PAPER NUMBER				

DATE MAILED: 11/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/554,629

Applicant(s)

NAKAHARA ET AL.

Examiner

Ram N Kackar

Art Unit

1763

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1 Your RCE dated 10/23/2003 is acknowledged.

Claim Rejections - 35 USC § 103

2 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3 Claims 1 and 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arai Susumu et al (JP 9-13172) in view of Tarzwell (US 5982187)

Arai discloses a CVD apparatus with a wafer supporting mechanism containing four lift pins placed equiangularly (Fig 2) along a circumference and having resilient means for each lift pin (Fig 1-45) and heating means (Fig 9-54 and Para 0008).

Arai does not disclose the resilient mechanism to be made from quartz.

Tarzwell discloses a resilient spring cut from a quartz tube (Col 5 lines 51-63 and Col 6 lines 11-15).

There fore it would have been obvious to one having ordinary skill in the art at the time invention was made to use a resilient support of quartz for its excellent and stable operation at high temperature in order to reduce possibility of crystal defect due to slip.

4 Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Arai Susumu et al (JP 9-13172) in view of Tarzwell (US 5982187) as applied to claim 1 and further in view of Shin Taira et al.

Arai discloses a CVD apparatus with a wafer supporting mechanism containing four lift pins placed equiangularly (Fig 2) along a circumference and having resilient means for each lift pin (Fig 1-45).

Arai does not explicitly disclose the support in a certain orientation.

Shin Taira et al disclose a thermal processing apparatus and lift pin support according to <110> direction with respect to plane 100 of the wafer (Fig a-11).

There fore it would have been obvious to one having ordinary skill in the art at the time invention was made to orient the support pins for <110> direction so as to reduce the problem of slip.

Response to Amendment

5 Applicant's arguments filed 09/08/2003 have been fully considered but they are now moot in view of new grounds of rejection.

Conclusion

6 The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent 3668932, which discloses springs, made of quartz.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ram N Kackar whose telephone number is 703 305 3996. The examiner can normally be reached on M-F 8:00 A.M to 5:P.M.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Mills can be reached on 703 308 1633. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 0661.

RK

*primary examiner
AU 1763
P. Haisanadel*